IN THE HIGH COURT OF BOMBAY AT GOA

LETTERS PATENT APPEAL NO. 22 OF 2001.

1. Shri Ravindra H. Bhandari,
   residing at Bambolim,
   Tiswadi, Goa.

2. Shri Surendra H. Bhandari,
   residing at Cumbarjua,
   Tiswadi, Goa. ... Appellants.

VERSUS

1. Shri Surya Jeno Mashelkar,
   residing at Mauling Waddo,
   Azossim, Mandur,
   P.O. Neura, Tiswadi, Goa.

2. The Mamlatdar of Tiswadi,
   having his office at Panaji,
   Tiswadi, Goa.

3. The Dy. Collector,
   North Goa, Panaji, Goa.

4. The Administrative Tribunal,
   Panaji, Goa. ... Respondents.

Mr. M.B. D'Costa, Senior Advocate with Mr. J.A. Lobo, Advocate for the Appellants.

Mr. A. Kansar, Advocate for the Respondent No.1.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Addl. Government Advocate for the Respondents No.2 to 4.

CORAM: V.G. PALSHIKAR &
P.V. HARDAS, JJ.

DATE: 7TH OCTOBER, 2003.

ORAL JUDGMENT: (PER PALSHIKAR, J.)

This Letters Patent Appeal is directed against the Judgment of the learned Single Judge of this Court in Writ Petition No. 214/1996 decided on 31st August, 2001. Taking into consideration the contention raised

in the appeal and the findings recorded by the learned Single Judge, in our opinion, the matter can be disposed of without going into the merits of the appeal and the question of maintainability thereof by directing both the parties to approach the Mamlatdar's Court where the question as to whether the Mamlatdar has jurisdiction to entertain an application under Section 8 of the Act on the pleading that it is by a person who is deemed purchaser, is maintainable or not. Both the parties can agitate this issue of jurisdiction before the Mamlatdar on whatever submissions of fact and law that they have to make.

2. We further direct that in the meantime status quo in respect of the property in question as of today be maintained.

3. The Mamlatdar should decide the matter expeditiously, as far as possible within six months.

Appeal accordingly disposed of.

V. G. PALSHIKAR, J.

sl. P. V. HARDAS, J.